

Notice of Allowability	Application No.	Applicant(s)	
	10/743,624	LAVOIE, GINO GEORGES	
	Examiner	Art Unit	
	Taylor Victor Oh	1625	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/06/2007.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u>. |
|---|--|

Continuation of Attachment(s) 9. Other: the drawing filed on 4/22/04 is accepted by the examiner.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/06/07 has been entered.

Reasons of Allowance

The Status of Claims

Claims 1-21 are pending.

Claims 1-21 are allowed.

I. The following is an examiner's statement of reasons for allowance:

- The rejection of Claims 1-21 under 35 U.S.C. 112, second paragraph has been withdrawn due to the modification made on the claim;
- The rejection of Claims 1-16, and 21 under 35 U.S.C. 103(a) as being unpatentable over Parker et al (US 6,476,257) in view of Shigeyasu et al (US 4,160,108) has been withdrawn due to the modification made on the claims;

- The rejection of Claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Partenheimer et al (US 4,786,753) in view of Shigeyasu et al (US 4,160,108) has been withdrawn due to the modification made on the claims.

Parker et al expressly discloses the method of producing terephthalic acid by oxidizing p-xylene in the presence of acetic acid, and the catalyst containing cobalt, manganese, bromine, and nickel at the reaction temperature of 100-255 °C.

Shigeyasu et al does teach the process of producing the pure terephthalic acid by subjecting p-xylene to a liquid-phase oxidation in a lower aliphatic carboxylic acid solvent in the presence of a cobalt, manganese, a bromide, nickel so as to be used as starting material for making a high quality polyester by means of removing the impurity content of 4-carboxybenzaldehyde present in the terephthalic acid.

Partenheimer et al discloses a method of producing terephthalic acid by oxidizing 70-80 % (see col. 2, line 43) of p-xylene in the presence of a catalyst composition comprising 2.01 mmol of Ni, 2.01 mmol of Mn, and 2.01 mmol of bromine at a pressure of 150 psig and at a temperature of 160° C.

However, the instant invention differs from the prior art in that none of the prior art teach that the catalyst composition comprises less than 5 ppm of zirconium, wherein the stoichiometric molar ratio of bromine atoms to manganese atoms is 1.5 or less and the amount of

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nickel atoms is at least 500 ppm. Furthermore, there is no reasonable motivation in the prior art to arrive at the claimed invention. In addition, unless all limitations of the claims are met, there is no prior art rejection. See In re Zurko 59 USPQ 2d 1690 (Fed Cir. 1991) and In re Lee, 61 USPQ 1430 (Fed Cir. 1991).

Therefore, the claimed invention would not have been obvious to the person with an ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAYLOR VICTOR OH
PRIMARY EXAMINER

12/17/09